

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

NATALIE MATHER and STEPHEN
P. KELLY,

Plaintiffs,

vs.

McCLEAN & ASSOCIATES, a
Montana law firm; DAVID M.
McLEAN; ST. PETER'S
HOSPITAL,
INC., a Montana Corporation;
WADE JOHNSON, in his official
capacity; MICHELLE RUSH, in her
official capacity; RHONDA
HINRICCHS, in her official
capacity; BRIAN ROBINSON, in his
official capacity; and ADAM
PLATE, in his official capacity, 3301
Great Northern Avenue, Suite 203,
Missoula, Montana 59808,

Defendants.

CV 21-43-H-BMM-KLD

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendations in this case on November 9, 2021 (Doc. 17). Judge DeSoto recommended that the Plaintiffs' Complaint (Doc. 2) be DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b) for

failure to prosecute and failure to comply with the Court's orders and all pending motions be terminated; that the Clerk of Court should be directed to enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure; that the Court should CERTIFY, pursuant to Federal Rule of Appellate Procedure 24(a)(4)(B), that any appeal from this disposition would not be taken in good faith; and that the Court should direct the Clerk to enter, by separate document, a judgment of dismissal.

No party has filed an objection to the Findings and Recommendations. The Court has reviewed Judge DeSoto's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge DeSoto's Findings and Recommendations and adopts them in full.

IT IS ORDERED that Judge DeSoto's Findings and Recommendations (Doc. 17) are **ADOPTED IN FULL**.

1. Plaintiffs' Complaint (Doc. 2) is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with the Court's orders, and all pending motions are terminated;

2. The Clerk of Court is directed to enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure; and

3. The Court CERTIFIES, pursuant to Federal Rule of Appellate Procedure 24(a)(4)(B), that any appeal from this disposition would not be taken in good faith. The Court directs the Clerk to enter, by separate document, a judgment of dismissal.

DATED this 14th day of January, 2022.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court